DEPARTMENT OF STATE

BRIEFING MEMORANDUM

SS

TS 17360

29 SEP 1979

TO: The Deputy Secretary

FROM: HA - Mark L. Schneider, Acting
IO - Bill Maynes

SUBJECT: United Nations to Examine United States Ratification Record of International Human Rights Treaties

The United Nations has established a working group to examine the "circumstances" preventing governments from ratifying international human rights treaties, in particular the Genocide Convention, the International Covenants on Human Rights, the Racial Discrimination Convention, and various agreements on slavery .

The Secretary-General will request UN member states, which have not ratified these treaties, to inform the UN of the circumstances preventing their ratification. A working group will then examine the replies and consider ways of encouraging and assisting governments to ratify these treaties, including inviting government representatives to meetings with group members.

The resolution establishing the working group and the new procedure is attached. The working group will be composed of five members of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, a sub-body of the Commission on Human Rights. The group will meet annually, beginning next summer. The resolution was adopted by the Sub-Commission September 5 and sponsored by Sub-Commission experts from France, Egypt, and Peru (who do not serve as government representatives).

To date, the United States has not ratified any of the treaties listed except the slavery conventions.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY R. Valas DATE 12/23/83
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PA or FOI EXEMPTIONS

We therefore can expect to receive a letter from the Secretary-General requesting an explanation, which the working group will examine next summer. We also can expect international and public spotlight on our non-ratification record in a forum where we already have been subjected to considerable embarrassment on this score. However, in the past, our record was predominantly cited in speeches by communist countries and other states seeking to discredit us. In the future, our non-ratification record will be the subject of formal UN examination and by a wide spectrum of states.

Our failure to r[illegible] international human rights treaties alrea[illegible]s tended to make it more difficult to obtain su[illegible]t for the human rights objectives we have pursued in the UN. The new procedure will exacerbate these tendencies, doing even greater damage to the human rights initiatives we press for internationally.

It is one more compelling reason for the Executive Branch to undertake strenuous efforts to press for Senate ratification of these treaties in accordance with the stated commitment of the President before the United Nations and many other international fora.

ECONOMIC AND SOCIAL COUNCIL

E/CN.4/Sub.2/L.716
14 August 1979
ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Thirty-second session
Agenda item 3

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Mr. Ferrero, Mr. Khalifa, Mrs. Questiaux: Draft resolution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the significance of the entry into force of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol thereto, and the International Convention on the Suppression and Punishment of the Crime of Apartheid and the operation of the procedures established under these instruments as well as of the International Convention on the Elimination of All Forms of Racial Discrimination,

Mindful of the repeated stress placed by the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission itself on the importance of attaining universal acceptance and implementation of international instruments in the field of human rights,

Having regard to resolution 1979/36 of the Economic and Social Council which requested the Sub-Commission, with a view to consolidating its effectiveness and resources to examine its programme of work so as to identify areas for its concentrated attention,

Believing that the Sub-Commission, as an expert organ within the United Nations human rights programme can play a useful role in encouraging States which have not yet done so to ratify or adhere to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and other international instruments on human rights,

1. Decides to establish each year a sessional working group of five members of the Sub-Commission with due regard to equitable geographical distribution, to meet during the sessions of the Sub-Commission in order to examine ways and means of encouraging governments which have not yet done so to ratify or adhere to international human rights instruments such as: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Suppression and Punishment of the Crime of apartheid; the Slavery Convention; the Protocol amending the Slavery Convention signed in Geneva on 25 September 1926; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and the Institutions and Practices similar to Slavery; and such other instruments as may be designated in the future by the Sub-Commission;

2. Requests the Secretary-General, well before the annual sessions of the Sub-Commission, to write to governments which have not yet accepted the above-mentioned instruments and such other instruments that may be designated in the future, requesting them to inform the Sub-Commission of the circumstances which so far have not enabled them to ratify or adhere to the above-mentioned instruments and to explain any particular difficulties which they may face, in respect of which the United Nations could offer any assistance;

3. Invites the annual sessional working group of the Sub-Commission referred to in operative paragraph 1 above, to examine the replies received from governments and, if necessary, to invite representatives of the government concerned for discussions with members of the Working Group, with a view to providing further clarifications;

4. Requests the Working Group to consider, in appropriate cases, what forms of assistance could be provided to governments by the United Nations, with a view to assisting them to ratify or adhere to the above-mentioned conventions as speedily as possible;

5. Decides to include in its agenda each year an item entitled: "Report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments".